

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ERIC TABARO NSHIMIYE,
a/k/a Eric Tabaro Nshimiyimana,

Defendant

CRIMINAL No. 1:24-cr-10071-FDS

JOINT STATUS REPORT AND MOTION FOR EXCLUSION OF TIME

The United States of America and the defendant, through counsel, hereby submit this joint status report at the request of the Court.

The defendant moved on October 24, 2024, to apply *ex parte* for the issuance of letters rogatory. [D.55.] The government opposed that motion on November 15, 2024. [D.58.] The Court granted the defendant's motion on December 17, 2024, and ordered the defendant to file his motion for letters rogatory no later than January 17, 2025. [D.62.] The defendant filed his motion on January 17, 2025. In the meanwhile, on December 30, 2024, the government moved for clarification and reconsideration of the Court's December 17 order. [D.63.] The government also requested a hearing on the motion. *Id.* The defendant opposed the government's motion on January 13, 2025, and opposes a hearing on the motion. [D.64.]

At a status conference on January 22, 2025, the Court stated that it had not yet had a chance to deeply review the defendant's motion for letters rogatory. The parties await the Court's ruling both on that motion and on the government's motion for reconsideration. Given that the issuance of letters rogatory may affect the case timetable, the government respectfully requests notification when the Court decides this matter and the disclosure of any other

information that can be appropriately shared – unless, of course, the Court also issues a public order or statement that describes its findings and covers these issues.

Also, on January 29, 2025, the government produced information culled from the case files of *United States v. Jean Leonard Teganya*, 1:17-cr-10292-FDS (D.Mass.), *Unites States v. Prudence Kantengwa*, 1:08-cr-10385-RGS (D.Mass.), and *United States v. Beatrice Munyenyezi*, 10-cr-00085-SM (D.N.H.). This information includes about 650 pages of additional defense *Jencks*, expert-related documents, photos and maps, and other general materials. This information was not covered by rules relating to automatic discovery or to exculpatory evidence. Next, on February 13, 2025, the government invited the defense to inspect 11 banker’s boxes of hard copy discovery produced to the defense in *Kantengwa* and *Munyenyenzi*. The government has reminded the defense that all of this material, kept at the U.S. Attorney’s Office, should be deemed “Protected Information Subject to Protective Order,” as that phrase is used the Protective Order entered in this matter [D.35], even though each page is not so marked. The government is also working to produce the contents of about 70 compact discs containing information relating to the *Kantengwa* and *Munyenyenzi* cases. The government hopes that it will be able to produce electronic versions of this information by March 19, 2025. Some of these materials are also subject to the Protective Order issued in this case. [D.35.] The defense is continuing to review discovery produced in this matter.

Given the status of discovery and motion practice in this matter, the parties jointly request that the Court schedule a status conference on or about April 5, 2025, unless the Court wishes to see the parties sooner. The government – with the assent of the defense – also moves that the court find that the ends of justice served by continuing the case until April 5, 2025, outweigh the best interest of the public and the defendant in a speedy trial, because failing to

grant the continuance would deny counsel for both the Government and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §§ 3161(h)(7)(A),(B)(iv).

The government – with the assent of the defense – also moves the Court to exclude time between December 30, 2025, and the disposition of the government and defense pretrial motions from the computation of the Speedy Trial clock. 18 U.S.C. § 3161(h)(1)(D).

Respectfully submitted,

ERIC TABARO NSHIMIYE
Defendant

LEAH B. FOLEY
United States Attorney

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By: s/ Amanda Beck
Amanda Beck
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ Amanda Beck
Amanda Beck
Assistant United States Attorney

Date: March 4, 2025